

Appl. No. 10/721,576
Amtd. Dated December 19, 2005
Reply to Office Action of August 24, 2005

Attorney Docket No. 81940.0065
Customer No.: 26021

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 24, 2005. Claims 1, 4-12, 15-20 and 23-29 remain in this application. Claims 1, 12 and 20 are the independent claims. Claims 1, 4, 9, 11-12, 15, 20 and 23 have been amended. Claims 2-3, 13-14 and 21-22 have been cancelled without prejudice. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the application are respectfully requested.

Specification Objections

The specification was objected to because the title was not considered descriptive. In response, the title has been amended. Reconsideration and withdrawal of the above objection are respectfully requested.

Art-Based Rejections

Claims 1-29 were rejected under 35 U.S.C. §103(a) over US Pub. No. 2004-0068570 (Haller) in view of UPN 6,714,797 (Rautila). Applicant respectfully traverses these rejections and submits that the claims herein are patentable in light of the clarifying amendments above and the arguments below.

The Haller Reference

Haller is directed to a wireless network for downloading information to a wireless device. (*See Haller, Page 2, paragraph [0036]*). The wireless device is coupled to a wide area wireless cellular network and a short distance wireless network. (*See Haller, Page 2, paragraph [0037]*).

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The Rautila Reference

Rautila is directed to downloading digital products into a mobile device. A server is accessed and a digital product is ordered from the server using the mobile device, which has cellular phone capability. A hotspot network location is identified where the digital product may be downloaded into the mobile device using a short range transceiver embedded in the mobile device. Thereafter, the mobile device detects a low power radio frequency signal generated by the hotspot network location, and the digital product is then downloaded into the mobile device by the hotspot network location transmitting the digital product using the low power radio frequency signal to the short range transceiver of the mobile device. (*See, Rautila, Col. 2, line 56 to Col. 3, line 3.*)

The Claims are Patentable Over the Cited References

The present application is generally directed to a portable terminal that performs functions to reproduce and execute digital contents.

As defined by independent Claim 1, a portable terminal that performs a plurality of functions to reproduce and execute digital contents includes a plurality of communication devices that communicate with a contents server via a plurality of networks including a wide area wireless network, a local area wireless network, or a local wire network. A module provides a list of contents including locations of the contents, estimated communication costs to obtain the respective contents or estimated communication times required to obtain the respective contents. A module calculates the estimated communication costs and the estimated communication times of the contents in the list based on the locations of the contents and a current position of the portable terminal. A module estimates a new communication path for each of the plurality of networks to a new location of the

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content which becomes available when moving the portable terminal by a specified distance, a communication time to obtain the content from each of the plurality of networks through the new communication path, or a communication cost to obtain the content from each of the plurality of networks through the new communication path. A module displays the list of contents.

Independent Claim 1 has been amended to include the subject matter of Claims 2 and 3 and to distinguish over the applied references.

The applied references do not disclose or suggest the above features of the present invention as defined by amended independent Claim 1. In particular, the applied references do not disclose or suggest, "a plurality of communication devices that communicate with a contents server via a plurality of networks including a wide area wireless network, a local area wireless network, or a local wire network," as required by amended independent Claim 1. Moreover, the applied references do not disclose or suggest, "a module that estimates a new communication path for each of the plurality of networks to a new location of the content which becomes available when moving the portable terminal by a specified distance, a communication time to obtain the content from each of the plurality of networks through the new communication path, or a communication cost to obtain the content from each of the plurality of networks through the new communication path," as required by amended independent Claim 1.

Haller is directed to a wireless network for downloading information to a wireless device within a period of time and price selected by a user. (*See Haller, Page 2, paragraph [0036]*). According to Haller, as shown in FIG. 1, information 120 is downloaded from server 101 to cellular device 106 via wide area network (WAN) 105. Cellular device 106 is coupled to a cellular network (WAN) 105 and short distance wireless network 116. (*See Haller, Page 2, paragraph [0037]*). In

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FIG. 3a, Haller specifically discloses that wireless device 106 includes Bluetooth RF circuit 309 coupled to antenna 313 for communication with the short distance wireless network 116, and cellular (GSM) signals are transmitted and received using digital circuit 306, analog circuit 308, transmitter 310, receiver 311 and antenna 312 for communicating with cellular network (WAN) 105. Haller does not disclose or suggest that wireless device communicates with a local wire network as required by amended independent Claim 1 of the present invention. (*See Haller, Page 5, paragraphs [0064]-[0066]*).

In contrast, the claims of the present invention require the portable terminal to include a plurality of communication devices that communicate with a contents server via a plurality of networks including a wide area wireless network, a local area wireless network, or a local wire network. As shown in FIG. 1, the contents server 101 and the portable terminal 121 can communicate via the Internet, a wide area wireless network, a local wireless network, and a local wire network. (*See Specification, Page 7, lines 6-9*). In the present invention, the portable terminal can estimate a new communication path for each of the plurality of networks to a new location of the content which becomes available when moving the portable terminal by a specified distance, a communication time to obtain the content from each of the plurality of networks through the new communication path, or a communication cost to obtain the content from each of the plurality of networks through the new communication path, as required by amended independent Claim 1. (*See Specification, Page 11, line 16 to Page 12, line 8*). A user can select the more desirable communication path from the plurality of networks and obtain contents with an understanding beforehand regarding the associated costs of obtaining the selected contents. (*See Specification, Page 12, lines 9-12*).

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Accordingly, Haller does not disclose or suggest these features of the present invention as required by amended independent Claim 1.

The Rautila reference ancillary does not remedy the deficiencies of Haller. In particular, Rautila fails to disclose or suggest a wired communication path between a mobile device and a local wire network. For example, even though Rautila discloses, in FIG. 1, that mobile station 10 can communicate with PSTN/ISDN network 60, this communication path is only established wirelessly via Internet 150 or the mobile network 80.

Since the applied references do not disclose or suggest the above features of the present invention as required by amended independent Claim 1, those references cannot be said to anticipate nor render obvious the invention which is the subject matter of amended independent Claim 1.

Accordingly, independent Claim 1, as amended, is believed to be in condition for allowance and such allowance is respectfully requested.

Independent Claims 12 and 20 have been amended to include the subject matter of Claims 13-14 and 21-22, respectively, and are believed to be in condition for allowance for at least the reasons discussed in connection with amended independent Claim 1 with such allowance respectfully requested.

The remaining Claims 4-11, 15-19, and 23-29 depend either directly or indirectly from independent Claims 1, 12, and 20 and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied references, and are also believed to be in condition for allowance, and such allowance is respectfully requested.

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Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6809 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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By:



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